

Memo

To: Mayor Cohen and the City Council

From: Historic Preservation Commission

Date: October 27, 2013

Re: Review of Amended City Dock Master Plan

The Historic Preservation Commission (HPC) has reviewed the Amended City Dock Master Plan (ACDMP) and received both public comment and expert advice on the plan. We offer these additional comments as feedback to the Council for their review as they move towards adoption of the ACDMP. Attached to this memo are the comments provided in March 2013 for background.

The HPC focused its review on material changes made in the amended plan or areas of on-going concern that would specifically intersect with its regulatory responsibilities. These are:

- Introduction of the concept of maintaining the integrity of the District
- Introduction of authority granted to the HPC for small tolerances to allowable building heights
- Use of specific setback measurements
- Use of non-specific building height descriptions
- Introduction of a Cultural Landscape Report to assess feasibility of relocation of Dock Street buildings towards Market Slip
- Role of a Cultural Landscape Report in relationship to other studies required
- Redefinition of measurement from “at grade” to “at flood protection elevation”
- Inclusion of on-going studies related to Hazard Mitigation within the Historic District.

Page 8:

- A. Language inserted: “...maintaining the integrity of the Colonial Annapolis Historic Landmark District”. The HPC supports this amendment and notes that within the context of the preservation profession, integrity has specific and technical definitions derived from the Secretary of Interior Standards that include evaluation of Design, Materials, Workmanship, Setting, Location, Feeling and Association. These criteria will be used in the evaluation of proposed projects to determine if they maintain the integrity of the District.

Pages 12-13:

- A. Language Inserted: “New Construction in the opportunity sites must preserve the design guidelines and architectural principles found throughout the Historic Landmark District with regards to scale, massing, and rhythm and remain subject to review and approval by the Historic Preservation Commission, as is presently the case. In order to facilitate new construction in the opportunity sites, the Historic Preservation Commission, as part of its review, should have the authority to grant small tolerances to allowable height if new construction is not otherwise feasible.” The HPC generally supports this amendment with some clarification. **First, the paragraph should be placed at the beginning of the section entitled “Scale and New Buildings” directly following the declarative statement that the Plan envisions**

redevelopment at City Dock. This placement will ensure that the following discussion of setbacks, building heights etc is clearly set within the appropriate regulatory context. Next, the HPC wishes to clearly communicate to the Council that granting such authority to the quasi-judicial HPC will require the development of policies and procedures to ensure due process to applicants and the public as well as ensure the ability to produce decisions that are defensible if appealed to the Anne Arundel Circuit Court. Finally, the HPC concurs with Historic Annapolis Inc that the existing height and bulk limits have served this City well and any request for tolerances from them will be subject to a standard of strict review as required in 21.56.060 of the Historic District Zoning Ordinance.

- B. Language Remaining and/or Amended: “setting new buildings back from the waters’ edge by 45-55 feet.” “the building should be set back 20 to 25 feet from Newman Street” “15 to 20 feet would be about enough”. The HPC has specific guidelines based on the Secretary of Interior Standards that govern the determination of prevailing setbacks, which then determine the appropriate setback for new construction. The pattern of setbacks, consistency with neighboring structures, the overall street form and character, and alignment of existing building facades are all taken into account when determining the “prevailing setback line.” A Cultural Landscape Survey will assist the HPC in determining the appropriate setback consistent with these guidelines and is called for in the ACDMP. The insertion of language that pre-empts that analysis is worrisome and may lead to confusion on the part of an applicant. **The HPC would prefer the specific language be removed from the plan. If the Council prefers to retain it, then recommendation a above becomes even more important to adopt.**
- C. Language Remaining and/or Amended: “Two and One Half stories are recommended”. Similar logic used above applies to the use of this specific but undefined language, however even more so. The HPC makes the following observation: the Halsey field house is a one story building. Use of this type of descriptor in the context of evaluating the appropriateness of new construction that maintains the integrity of the District is not meaningful. **The HPC recommends this language be stricken from the Plan. If the council wishes to retain the language, we recommend it be amended to read: “Two and one half stories are envisioned but subject to analysis of specific design proposals within the existing historic context.”**
- D. Language Inserted: “The city must prepare a professional cultural landscape report that recognizes the National Historic Landmark Designation and applies the Secretary of Interior’s Standards for Treatment of Historic Properties in assessing the significant historic assets in the vicinity, conducting a viewshed analysis, and determining the impact of the proposed developments on these properties and other aspects that may be pertinent.” The HPC supports this amendment and requests that the following changes to the language be made in order to clearly communicate that the possible move of the Dock Street buildings towards Market Slip must be studied. “The city must prepare a professional cultural landscape report that recognizes the National Historic Landmark Designation and applies the Secretary of Interior’s Standards for Treatment of Historic Properties in assessing the significant historic assets in the vicinity, conducting a viewshed analysis, and determining **what, if any, adverse effect would occur on the integrity of the District if the proposed move of the existing building line from Dock**

Street towards Market Slip is implemented. ~~and the impact of the proposed developments on this properties and other aspects that be be pertinent.”~~—Adverse effect has specific and technical meanings in the context of the preservation profession and would allow for a more detailed study of the concerns raised by Historic Annapolis Inc on the potential adverse effect on the expansive viewshed in that portion of the designated opportunity site.

Page 19:

- A. Language Inserted: “ The City will prepare, for council approval, a plan for the intersections and crosswalks in the study area which considers the area’s dual role as both a destination and a thoroughway, gathering space for pedestrians, pedestrian and bicycle access to and through city dock, wayfinding, bus and truck access, loading, and unloading, and the constraints of the historical context”. **The HPC concurs with this amendment and asks for additional language to be inserted at the end of the sentence “(as determined by the cultural landscape report).”**

Page 27 :

- A. Language Inserted: “In order to allow rehabilitation of existing buildings and the creation of new ones, the historic District’s height regulations should be modified to begin height measurement at grade or at flood protection elevation, whichever is greater.” **The HPC stands by its original recommendation that the height measurement be modified to base flood elevation not flood protection elevation (currently a difference of 2 feet within the city code according to testimony provided).** The base flood elevation is determined by FEMA and is based on actual flooding events. Flood protection elevation includes a free board component that varies amongst jurisdictions anywhere from six inches to four feet and could be modified. The HPC understands that existing city code will require construction of habitable space to begin at flood protection elevation. We believe that each project should argue for the additional 2 feet of building envelope rather than have it granted as a matter of law. The delegation of “the authority to grant small tolerances” would be an avenue by which new construction could be granted these 2 feet on a case by case basis after review by the HPC

Page 28:

- A. The HPC recommends insertion of the following sentence in paragraph two: **Already underway is development of a Hazard Mitigation Plan to protect historic resources within the 100-year flood plain.**

The HPC wishes to express our appreciation for the on-going collaboration of the various groups on this important project and we look forward to reviewing complete applications as the projects develop.

Respectfully Submitted by:

Sharon A Kennedy (Chair)
Tim Leahy (Vice Chair)
Kim Finch
Jay Kabriel
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